

Pursuant to Ind. Appellate Rule 65(D), this Memorandum Decision shall not be regarded as precedent or cited before any court except for the purpose of establishing the defense of res judicata, collateral estoppel, or the law of the case.

ATTORNEY FOR APPELLANT:

JAY T. SEEGER

Seeger, Hodson & Forbes
Lafayette, Indiana

ATTORNEYS FOR APPELLEE:

STEVE CARTER

Attorney General of Indiana

ANITA WYLIE

Deputy Attorney General
Indianapolis, Indiana

**IN THE
COURT OF APPEALS OF INDIANA**

MATTHEW S. STRAHLE,

Appellant-Petitioner,

VS.

LISA M. RHORER,

Appellee-Respondent.

)))))))))

No. 79A02-0702-CV-177

APPEAL FROM THE TIPPECANOE SUPERIOR COURT
The Honorable Faith Graham, Magistrate
Cause No. 79D01-9406-DR-230

September 7, 2007

MEMORANDUM DECISION - NOT FOR PUBLICATION

DARDEN, Judge

STATEMENT OF THE CASE

Matthew S. Strahle (“Father”) appeals the trial court’s order modifying child support.

We dismiss.

ISSUES

Father raises the following issues:

1. Whether the trial court abused its discretion in ordering Father to pay child support in the amount of \$81.00 per week.
2. Whether the trial court erred in ordering Father to pay a lump sum child support payment based on Father’s inheritance.

We, however, find the following issue, which we raise sua sponte, to be dispositive:

Whether Father is entitled to a review of his claims where the record is defective.

FACTS

During their marriage, Father and Lisa Rhorer (“Mother”) had one child, J.S., born on December 12, 1988. On November 28, 1994, the trial court entered its final decree of dissolution, dissolving the parties’ marriage and ordering Father to pay child support in the amount of \$180.00 per week.

On October 12, 2005, Father filed a petition to modify child support, seeking modification of his child-support obligation due to unemployment. In the accompanying memorandum, Father argued for modification of his child-support obligation because his employer had terminated him on August 31, 2005, for which Father received a severance

package totaling approximately \$44,330.76. Father argued that he was unable to find full or part-time employment until August of 2006, when he began working part-time, earning \$7.89 per hour. Father also stated that he had enrolled at Indiana University-Purdue University Indianapolis.

Also, in his memorandum, Father acknowledged that in December of 2004, his mother died, leaving Father an inheritance valued at \$222,587.95. Father, however, argued that his weekly child support obligation should be based only on his weekly earnings and the interest income Father would have received had he invested his inheritance in United States savings bonds.¹

On October 12, 2006, the State filed a response to Father's petition. The State stipulated that Father's "severance package can be considered to have provided a 100% substitute for his regular salary for 40 weeks from the date of his final paycheck, or through Friday, June 16, 2006." (App. 77). The State, however, requested that Father's inheritance be factored into his "weekly gross income for the year, or it be considered as irregular income." (App. 78).

The trial court commenced a hearing on Father's petition on June 12, 2006, which it continued to July 24, 2006 and then September 18, 2006.² On November 8, 2006, the trial court entered its findings and order. The trial court imputed a weekly income of

¹ According to Father's petition, with the exception of his interest in a Florida condominium, valued at \$140,000, he used his share of the estate and trust assets "for general living expenses." (App. 17).

² The trial court rescheduled the hearing on June 12, 2006. On July 24, 2006, the State sought a continuance of the hearing because it had not received certain documents from Father. The trial court granted the continuance and continued the hearing to September 18, 2006. No transcript from the hearing on September 18, 2006 is available due to technical issues.

\$585.00 to Father and ordered Father to pay \$81.00 per week in child support. The trial court further ordered Father to pay a lump sum of \$31,623.31 on or before December 31, 2006. On November 20, 2006, the trial court ordered that “a retroactive credit in the amount of \$5,532.97 . . . be applied toward the lump sum due and owing” (App. 81).

On December 8, 2006, Father filed a motion to correct error, which was deemed denied pursuant to Indiana Trial Rule 53.3.

DECISION

Father asserts that the trial court’s determination of his weekly gross income and weekly child support is contrary to the evidence. Father also asserts that the trial court’s award of a lump-sum payment is contrary to the evidence.

“The appellant bears the burden of presenting a record that is complete with respect to the issues raised on appeal.” *Graddick v. Graddick*, 779 N.E.2d 1209, 1210 (Ind. Ct. App. 2002). Indiana Appellate Rule 31(A) provides that “[i]f no Transcript of all or part of the evidence is available, a party or the party’s attorney may prepare a verified statement of the evidence from the best available sources, which may include the party’s or the attorney’s recollection.” Following the trial court’s certification of the verified statement, it becomes part of the Clerk’s Record. Ind. Appellate Rule 31(C). Compliance with Appellate Rule 31 “sustains the appellant’s burden of presenting a complete record on appeal.” *Graddick*, 779 N.E.2d at 1210. Failure to present an adequate record from which this court may conduct a meaningful review warrants

dismissal of an appeal. *See id.* at 1211; *General Collections, Inc. v. Ochoa*, 546 N.E.2d 113, 115 (Ind. Ct. App. 1989).

Here, only a partial transcript of the final dissolution hearing has been made available for our review, and Father has not provided a verified statement of evidence.³ We therefore are unable to conduct a meaningful review of the issues presented by Father. Accordingly, we must dismiss Father's appeal.

Dismissed.

MAY, J., and CRONE, J., concur.

³ We also note that the parties' exhibits, if any, which may have been entered into evidence have not been provided pursuant to Indiana Appellate Rule 29(A), which provides that "documentary exhibits . . . shall be included in separately-bound volumes that conform to the requirements of Rule 28(A)(6)."